

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES ERNEST MANNS, Jr.,

Plaintiff,

Case No. 1:07-cv-383

v.

Hon. Wendell A. Miles

BARBARA SAMPSON, et al.,

Defendants.

JUDGMENT APPROVING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

On September 13, 2007, United States Magistrate Judge Ellen S. Carmody issued a Report and Recommendation ("R & R") recommending that Plaintiff's complaint be dismissed for failure to state a claim. No objections were filed to the R & R.

The court, having reviewed the R & R filed by the United States Magistrate Judge in this action, and having reviewed the relevant portions of the file in this matter, determines that the Magistrate Judge has made a thorough and accurate review of all appealable issues and agrees with the reasoning and recommended disposition contained in the R & R.

THEREFORE IT IS ORDERED that:

1. The Report and Recommendation of the Magistrate Judge (Docket No. 8) is approved and adopted as the opinion of the Court.

2. Plaintiff's complaint is dismissed for failure to state a claim. The dismissal of this action will count as a strike for purposes of 28 U.S.C. § 1915(g).

3. The court can discern no good-faith basis for an appeal. Accordingly, an appeal of this action would not be taken in good faith.

Dated: October 19, 2007

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge